

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

JIMMIE KING,

Plaintiff,

v.

INFIRMARY MANAGER MS. ARNOLD,  
DR. SHAW, WARDEN MCCORMICK, LT.  
BOZER, SGT. KENNEDY,

Defendants.

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**CIVIL ACTION NO. 5:19-CV-00008-RWS**

**ORDER**

The Plaintiff Jimmie King, a former inmate of the Bowie County Correctional Center proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of alleged violations of his constitutional rights. This Court referred the case to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

The Magistrate Judge ordered Plaintiff to file an amended complaint setting out a short and plain statement of his claims. By separate order, the Magistrate Judge directed Plaintiff to pay the statutory filing fee or submit a proper application for leave to proceed *in forma pauperis*. Although Plaintiff received copies of these orders, he did not comply with them, nor did he show good cause for his failure to do so. The docket shows Plaintiff has not contacted the Court since March of 2019.

The Magistrate Judge thereupon issued a Report recommending the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. Because the incidents

complained of occurred in August of 2018, the Magistrate Judge also recommended the statute of limitations be suspended for 90 days following the date of entry of final judgment.

A copy of this Report was sent to Plaintiff at his last known address, return receipt requested, but was returned as undeliverable and unable to forward. The lawsuit form filed by Plaintiff contains a declaration acknowledging that Plaintiff understands it is his responsibility to keep the Court informed of his current mailing address (Docket No. 1 at 6).

Because no timely objections were filed to the Report of the Magistrate Judge, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

**ORDERED** that the Report of the Magistrate Judge (Docket No. 7) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. It is further

**ORDERED** that the statute of limitations on the claims raised in this lawsuit is **SUSPENDED** for a period of ninety (90) days following the date of entry of final judgment in this case. This suspension of the limitation period affects only those claims which were not barred by

limitations as of the date the original complaint was signed, on December 6, 2018. Finally, it is **ORDERED** that any and all motions which may be pending in this action are hereby **DENIED**.

**So ORDERED and SIGNED this 25th day of September, 2020.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE